

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1738 be amended to read as follows:

- 1       Page 2, between lines 39 and 40, begin a new paragraph and insert:
- 2       "SECTION 1. IC 7.1-3-1-3, AS AMENDED BY P.L.205-1999,
- 3       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4       JULY 1, 2003]: Sec. 3. (a) A permit of any type issued by the
- 5       commission, except as provided in subsections (b) and (f) or unless
- 6       otherwise provided in this title, shall be in force for one (1) calendar
- 7       year only, including the day upon which it is granted. At the end of the
- 8       one (1) year period the permit shall be fully expired and null and void.
- 9       (b) Notwithstanding subsection (a), in a county containing a
- 10      consolidated city, a permit that is subject to section 5.5 or 5.6 of this
- 11      chapter is effective for two (2) calendar years, including the day upon
- 12      which the permit is granted. However, a local board may recommend
- 13      to the commission that the permit be issued or renewed for only a one
- 14      (1) year period. The commission may issue or renew a permit for the
- 15      period recommended by the local board.
- 16      (c) A permittee who is granted a two (2) year permit under
- 17      subsection (b) or subsection (f) is liable for any annual fees assessed by
- 18      the commission. The annual fee is due on the annual anniversary date
- 19      upon which the permit was granted.
- 20      (d) If the commission grants a two (2) year permit, the commission
- 21      may ask a local board to hold a hearing to reconsider the duration of a
- 22      permittee's permit. A hearing held under this subsection is subject to
- 23      section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
- 24      requested by the commission within thirty (30) days before the
- 25      permittee's next annual anniversary date and forward a
- 26      recommendation to the commission following the hearing.
- 27      (e) If a permittee is granted a permit for more than one (1) year, the
- 28      commission may require the permittee to file annually with the
- 29      commission the information required for an annual permit renewal.
- 30      (f) Notwithstanding subsection (a), the following are effective for
- 31      two (2) calendar years, including the day upon which the permit is

- 1 granted:
- 2 (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.
- 3 (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.
- 4 **(3) A liquor wholesaler's permit issued under IC 7.1-3-8-1."**
- 5 Page 3, line 34, delete "distribute" and insert **"otherwise distribute**
- 6 **in exchange for consideration"**.
- 7 Page 4, line 3, delete "permit" and insert **"certificate"**.
- 8 Page 4, line 12, delete "permit" and insert **"certificate"**.
- 9 Page 4, line 20, delete "shall" and insert **"may"**.
- 10 Page 4, line 27, delete "imposing" and insert **"enforcing the**
- 11 **imposition of"**.
- 12 Page 4, between lines 40 and 41, begin a new paragraph and insert:
- 13 **"(c) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
- 14 **under this section must be deposited in the youth tobacco education**
- 15 **and enforcement fund established under IC 7.1-6-2-6."**
- 16 Page 4, line 41, after "7." insert **"(a)"**.
- 17 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 18 **"(b) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
- 19 **under this section must be deposited in the youth tobacco education**
- 20 **and enforcement fund established under IC 7.1-6-2-6."**
- 21 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1738 as printed March 28, 2003.)

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Senator MERRITT